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CBS says '67 memo shows Viet deception

By Ben Brown
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CBS claimed Tuesday it has discovered the "smoking gun" that will vindicate its controversial documentary, *The Uncounted Enemy — A Vietnam Deception*.

That January 1982 program prompted a \$120 million suit from Gen. William Westmoreland, ex-commander of forces in Vietnam, who claimed he was libeled by the show's contention that he "conspired," for political reasons, to hide true enemy troop strength.

CBS lawyer David Boies says a just-released CIA document "essentially proves the thesis of the broadcast." It's a 1967 memo from George A. Carver — former special assistant to the director of Central Intelligence for Vietnam Affairs — to his boss, then-CIA director Richard Helms.

In the 1967 cable, Carver wrote that a "variety of circumstantial indicators ... all point to (the) inescapable conclusion that General Westmoreland ... has given instruction tantamount to direct order that (the Viet Cong) strength total will not exceed 300,000 ceiling. Rationale seems to be that any higher figure would not be sufficiently optimistic



WESTMORELAND: Claims CBS show libeled him

and would generate unacceptable level of criticism from the press."

Boies called that "a classic smoking gun."

"That's crap," said Westmoreland's attorney, Dan Burt, when he heard the allegation.

CBS fails to point out, said Burt, that the memo in question was the first of five Carver memos to Helms and that it was sent before the CIA man actually met with Westmoreland. Carver said Tuesday "they're extracting things out of context."

Before he met with Westmoreland in Saigon, said Carver, "I got the impression people on his staff thought they were under orders to keep the ceiling down. But it may have been a case of cardinals being more Catholic than the pope."

In the cable dated three days after CBS' "smoking gun," Carver apparently had changed his mind: "Circle now squared, chiefly as result of Westmoreland session ... mission (to arrive at an acceptable method of counting the enemy) seems on verge of successful conclusion."